
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff/Counterclaim
Defendant,

v.

KRIS TAKAS,

Defendant/Counterclaim
Plaintiff.

MEMORANDUM DECISION AND ORDER
DENYING DEFENDANT’S AND THIRD
PARTY PLAINTIFF’S REQUEST TO
REFER THIS MATTER TO MEDIATION
WITH THE COURT’S ADR PROGRAM

Case No. 2:17-cv-204 DAK

District Judge Dale Kimball

Magistrate Judge Brooke Wells

Pending before the court is Defendant and Third Party Plaintiff Kris Takas’ Motion to Refer this Matter to Mediation with this Court's ADR Program.¹ The court finds oral argument would not be helpful on the motion and decides it on the basis of the briefing before it.²

Having reviewed Ms. Takas’ motion the court finds it contains arguments that are more appropriate for a decision on the merits of this case and applicable to the unlawful detainer controversy. They do not support a referral to the court’s ADR program. For example, Ms. Takas’ argues that Plaintiff’s “complaint of unlawful detainer ... must be dismissed.”³ And, asserts that Utah’s unlawful detainer statute is a “severe remedy, and ... it must be strictly complied with before the cause of action may be maintained.”⁴ There are no arguments that the parties are somehow close to an agreement or that a referral to the ADR program would be more efficient in resolving the parties’ claims.

¹ Docket no. 15.

² DUCivR 7-1.

³ Mtn. p. 5, docket no. 15 (emphasis omitted).

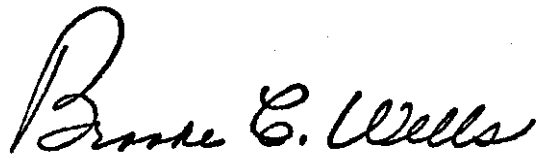
⁴ *Id.* p. 6 (quoting *Parkside Salt Lake Corp v. Insure-Rite, Inc.*, 37 P.3d 1202, 1206 (2001) (emphasis omitted)).

In addition, Plaintiff's opposition notes the long history of settlement negotiations in this matter and the positions of the parties that appear to be set in stone at this point. Plaintiff argues a referral to the ADR program would simply "waste further time and money"⁵

The court agrees and finds there is no basis to refer this matter to the court's ADR program. Ms. Takas' motion therefore is DENIED.

IT IS SO ORDERED.

DATED this 5 May 2017.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first letter 'B' is large and loops around. The signature is positioned above a horizontal line.

Brooke C. Wells
United States Magistrate Judge

⁵ Op. p. 3.